



CIVIL MOTIONS GLOSSARY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

DECEMBER 2010



CIVIL MOTIONS GLOSSARY

The following glossary defines every civil motion available in the United States District Court for the District of Minnesota's ECF dictionary. Please use this glossary as a guide for determining which civil motion to use for your particular situation.

Alter/Amend/Correct Judgment

Use this event to file a motion to alter, amend or correct a judgment under Fed. R. Civ. P. 59(e) or 60(a). This event should be used only when a judgment has been entered in the case.

Do not use this event to file a motion for relief from a judgment under Fed. R. Civ. P. 60(b); instead, use the [Relief from Judgment](#) motion event.

Do not use this event to file a motion to alter, amend, or correct an order (as opposed to a judgment); instead, use the [Alter/Amend/Correct Other Orders](#) event.

Alter/Amend/Correct Other Orders

Use this event to file a motion to alter, amend, or correct other orders, such as when filing a motion to amend a scheduling order or discovery order, or when clerical or other inadvertent mistakes were made in the order.

Do not use this event when judgment has been entered on a court order; instead, use the [Alter/Amend/Correct Judgment](#) motion event.

Do not use this event to file a motion for reconsideration under Local Rule 7.1(h); instead, use the [Reconsider](#) event. Motions to reconsider should be filed when arguing that the judge made an error of law or fact or a new law or fact has been discovered since the order was entered.

Alter/Amend/Supplement Pleadings

Use this event to file a motion to alter, amend, or supplement a pleading under Fed. R. Civ. P. 15.

Appear as Amicus Curiae

Use this event to seek permission to appear as amicus curiae.

Appear via Electronic Means

Use this event to seek permission to appear electronically (by telephone, videoconference, or other electronic means). A movant seeking a telephonic hearing on a pretrial matter should review [Local Rule 7.3](#).



Application to File Conventionally

Use this event to seek permission to file a particular document conventionally (on paper). To file this motion, submit a completed [Application to File Conventionally](#) form.

Please note it is not necessary to seek Court approval to file certain types of documents conventionally. Consult the Court's [Electronic Case Filing Procedures Guide for Civil Cases](#) for more information.

Do not use this event to seek permission to file *all* documents in a case conventionally; instead, use the [Request for CM/ECF Exemption](#) motion event.

Application to Proceed in Forma Pauperis in District Court

Use this event to file a motion to proceed in forma pauperis in district court. To file this motion, submit a completed [Application to Proceed Without Prepayment of Costs in District Court](#).

Application to Proceed in Forma Pauperis on Appeal

Use this event to file a motion to proceed in forma pauperis on appeal. It is not necessary to file this motion if the party was granted in forma pauperis status in the district court case. That status will automatically continue on appeal.

Appoint Counsel

Use this event to file a motion for appointment of counsel.

Appoint Expert

Use this event to seek appointment of a court-appointed expert under Fed. R. Evid. 706(a).

Appoint Guardian/Attorney ad Litem

Use this event to request the court to appoint a guardian ad litem for a child or incompetent person who is not otherwise represented in an action under Fed. R. Civ. P. 17(c)(2).

Appoint Receiver

When representing the United States government, use this event to file a motion to appoint a receiver under 28 U.S.C. § 3103. *See also* Fed. R. Civ. P. 66.

Appoint Special Master

Use this event to file a motion to appoint a special master under Fed. R. Civ. P. 53.

Approval of Minor Settlement



Use this event to file a motion to approve a minor settlement.

Approval of Settlement

Use this event to file a motion to approve a settlement when the court's approval of the settlement is required (e.g., approval of class action settlements under Fed. R. Civ. P. 23(e)).

Approve Consent Judgment

Use this event to file a motion to approve a consent judgment. A proposed consent judgment should contain only the terms of the proposed judgment reached by the parties. It should not contain any findings of facts or conclusions of law. *See* Fed. R. Civ. P. 58(a).

Attorney Fees

Use this event to file a motion for attorney's fees under Fed. R. Civ. P. 54(d)(2) and [Local Rule 54.3\(a\)-\(b\)](#).

Bifurcate

Use this event to file a motion to bifurcate – that is, a motion to divide a trial into phases or to try certain issues before other issues.

Do not use this event to file a motion for a separate trial under Fed. R. Civ. P. 42; instead, use the [Separate Trial](#) event.

Bond

Use this event to file a motion for a bond. For example, this event can be used to request that the court order a stay of judgment with bond on appeal under Fed. R. Civ. P. 62(d).

Certificate of Appealability

Use this event to file a motion for the court to issue a certificate of appealability under Rule 11 of the Rules Governing Section 2254 and Section 2255 cases.

Certify Class

Use this event to file a motion to certify a class under Fed. R. Civ. P. 23.

Do not use this event to file a motion to certify a conditional class; instead, use the [Certify Conditional Class](#) event.

Certify Conditional Class

Use this event to file a motion to conditionally certify a class. For example, use this event to file a motion to certify a conditional class under the Fair Labor Standards Act, 29 U.S.C. § 216(b).



Do not use this event to file a motion to certify a class under Fed. R. Civ. P. 23; instead, use the [Certify Class](#) event.

Certify Interlocutory Appeal

Use this event to file a motion to certify an interlocutory appeal under 28 U.S.C. § 1292(b).

Compel

Use this event to file a motion to compel another party to do something.

Confirm Arbitration Award

Use this event to file a motion to confirm an arbitration award.

Consolidate Cases

Use this event to file a motion to consolidate cases under Fed. R. Civ. P. 42(a).

Contempt

Use this event to file a motion to request the court to issue an order to show cause why a person or entity should not be held in contempt.

Continue

Use this event to file a motion to reschedule a hearing or a trial.

Do not use this event to file a motion for an extension of time; instead, use the corresponding [Extension of Time/General](#); [Extension of Time to Amend Pleading](#); [Extension of Time to Complete Discovery](#); [Extension of Time to File Answer](#); [Extension of Time to File a Response/Reply](#) events.

Declaration of Mistrial

Use this event to file a motion for declaration of a mistrial.

Default Judgment

Use this event to file a motion for a default judgment under Fed. R. Civ. P. 55(b). Use this event only after the clerk enters the party's default under Fed. R. Civ. P. 55(a). A motion for default judgment must indicate whether it is directed to the clerk or the court. See Fed. R. Civ. P. 55(b) for additional guidance.

Deposit Funds



Use this event to file a motion to deposit funds with the court registry under Fed. R. Civ. P. 67. A court order is required to deposit funds in the court registry. See [Local Rule 67.1](#) for additional guidance.

Discovery

Use this event to file a motion to expedite discovery, to conduct discovery in a particular sequence, or for any other discovery-related relief not otherwise provided by a civil motion event.

Dismiss/General

Use this event to file a motion to dismiss under Fed. R. Civ. P. 12.

Do not use this event to file a motion to dismiss for (1) [Dismiss/Lack of Jurisdiction](#); or (2) [Dismiss/Lack of Prosecution](#); instead, use the corresponding event.

Dismiss/Lack of Jurisdiction

Use this event to file a motion to dismiss for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(b)(1) or lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2).

Dismiss/Lack of Prosecution

Use this event to file a motion to dismiss for lack of prosecution under Fed. R. Civ. P. 41(b).

Disqualify Counsel

Use this event to file a motion to disqualify counsel.

Disqualify District Judge

Use this event to file a motion to disqualify a district judge.

Disqualify Juror

Use this event to file a motion to disqualify a juror.

Disqualify Magistrate Judge

Use this event to file a motion to disqualify a magistrate judge.

Enforce Judgment

Use this event to file a motion to enforce a judgment under Fed. R. Civ. P. 70.

Do not use this event to seek a writ of execution; instead, use the [Writ](#) event.



Enforce Settlement

Use this event to file a motion to enforce a settlement. This event should be used only after a settlement has been reached by the parties.

Entry of Judgment

Use this event to file a motion to have judgment entered under Fed. R. Civ. P. 58(d).

Exceed Page/Word Limitation

Use this event to file a motion to exceed the page or word limitation of a motion under [Local Rule 7.1\(d\)](#).

Exclude Expert Testimony

Use this event to file a motion to exclude expert testimony – often referred to as a “*Daubert* motion”.

Expedite

Use this event to file a motion to expedite.

Extension of Time/General

Use this event to file a motion for a general extension of time.

Do not use this event when filing a motion for: (1) [Extension of Time to Amend Pleading](#); (2) [Extension of Time to Complete Discovery](#); (3) [Extension of Time to File Answer](#); or (4) [Extension of Time to File Response/Reply](#); instead, use the corresponding event for that motion type.

Extension of Time to Amend Pleading

Use this event to file a motion for an extension of time to amend a pleading under Fed. R. Civ. P. 15.

Extension of Time to Complete Discovery

Use this event to file a motion for extension of time to complete discovery under [Local Rule 16.3](#).

Extension of Time to File Answer

Use this event to file a motion for extension of time to file an answer.

Extension of Time to File Response/Reply



Use this event to file a motion for an extension of time to file a response or reply to a motion. [Local Rule 7.1\(a\)-\(b\)](#) outlines the deadlines for filing responses or replies to motions.

Forfeiture of Property

When representing the United States government, use this event to file a motion for forfeiture of property under Rule G(3)(ii), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

In Limine

Use this event to file a motion in limine.

Intervene

Use this event to file a motion to intervene under Fed. R. Civ. P. 24.

Issuance of Warrant in rem

When representing the United States government, use this event to file a motion for issuance of a warrant in rem under Rule G(2)(b)(ii), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Joinder

Use this event to file a motion for joinder of a required person under Fed. R. Civ. P. 19(a)(2).

Judgment as a Matter of Law

Use this event to file a motion for judgment as a matter of law under Fed. R. Civ. P. 50(a) and to file a renewed motion for judgment as a matter of law after the trial under Fed. R. Civ. P. 50(b).

Motions for a judgment as a matter of law were formerly known as motions for a directed verdict.

Judgment Debtor Exam

When representing the United States government, use this event to file a motion for a judgment debtor exam under 28 U.S.C. § 3015.

Judgment on the Pleadings

Use this event to file a motion for judgment on the pleadings under Fed. R. Civ. P. 12(c).

Judgment under Rule 54(b)

Use this event to file a motion for judgment under Fed. R. Civ. P. 54(b).



Leave to File Reply/Surreply

Use this event to seek leave to file a reply or surreply when it is not allowed under the applicable rule (i.e. [Local Rule 7.1\(a\)](#)).

Do not use this event to ask the court for permission to file a document that exceeds the word or page limitations; instead, use the [Exceed Page/Word Limitation](#) event.

Letters Rogatory/Letters of Request

Use this event to file a request to serve a letter rogatory or letter of request. The letter rogatory or request must comply with all applicable procedures set forth in Fed. R. Civ. P. 4(f), (h), (j), (l); Fed. R. Civ. P. 28(b); and 28 U.S.C. §§ 1608, 1781-1782.

Lift Stay

Use this event to file a motion to lift a stay.

Miscellaneous Relief

Use this event to file a motion for miscellaneous relief. Use this event only when no other civil motion event applies.

More Definite Statement

Use this event to file a motion for a more definite statement under Fed. R. Civ. P. 12(e).

New Trial

Use this event to file a motion for a new trial under Fed. R. Civ. P. 50(b), 59.

Order of Sale

When representing the United States government, use this event to file a motion for an order of sale under Rule G(7), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Partial Summary Judgment

Use this event to file a motion for partial summary judgment under Fed. R. Civ. P. 56.

Permanent Injunction

Use this event to file a motion for a permanent injunction under Fed. R. Civ. P. 65, 28 U.S.C. § 2283, or other applicable law.

Preliminary Injunction



Use this event to file a motion for a preliminary injunction under Fed. R. Civ. P. 65(a).

Pro Hac Vice (Non-Resident Movant)

Use this event when the movant is a non-Minnesota resident who is filing a motion in support of the pro hac vice admission of a non-resident attorney under [Local Rule 83.5\(d\)](#).

Pro Hac Vice (Resident Movant)

Use this event when the movant is a Minnesota resident who is filing a motion in support of the pro hac vice admission of a non-resident attorney under [Local Rule 83.5\(d\)](#).

Protective Order

Use this event to file a motion for a protective order.

Quash

Use this event to file a motion to quash.

Reassign Case

Use this event to file a motion to reassign the case to a different district judge or magistrate judge because the case is related to another matter that is pending before that district judge or magistrate judge.

Do not use this event to file a motion to disqualify a judge; instead use either the [Disqualify District Judge](#) or [Disqualify Magistrate Judge](#) event.

Reconsider

Use this event to file a motion to reconsider. A motion to reconsider should be filed when arguing that the judge made an error of law or fact, or when the law has changed or a new fact has been discovered since the order was entered.

Under [Local Rule 7.1\(h\)](#), a motion to reconsider may be filed only with the permission of the court. To seek permission of the court, file a letter to the court of no more than two pages in length. [Local Rule 7.1\(h\)](#). Use the appropriate “Letter to District Judge” or “Letter to Magistrate Judge” event in CM/ECF to file the letter.

Relief from Judgment

Use this event to file a motion for relief from a judgment under Fed. R. Civ. P. 60(b).



Do not use this event when filing a motion to amend or correct an order or judgment under Fed. R. Civ. P. 60(a); instead, use the [Alter/Amend/Correct Judgment](#) or [Alter/Amend/Correct Other Orders](#) events.

Remand to Agency

Use this event to file a motion for remand to the applicable agency.

Remand to Bankruptcy Court

Use this event to file a motion for remand to bankruptcy court.

Remand to State Court

Use this event to file a motion for remand to state court under 28 U.S.C. § 1446.

Remand to Transferor District Court (MDL)

Use this event to file a motion for remand to transferor district court in multidistrict litigation cases under Rule 7.6(d), Rules of Procedure of the Judicial Panel on Multidistrict Litigation.

Reopen Case

Use this event to file a motion to reopen the case. Typically, this event would be used to reopen social security appeal cases.

Request for CM/ECF Exemption

Use this event to file a motion to request a CM/ECF exemption under the [Court's Civil Electronic Case Filing Procedures Guide, I.A.6](#). Such a motion requests that the court exempt the attorney from electronically filing all documents in the case. To file this motion, submit a completed [Exemption from Filing in ECF](#) form.

Do not use this event to request permission to file only particular documents conventionally; instead, use the [Application to File Conventionally](#) event.

Return of Property

Use this event to file a motion for return of property under Rule E(5) and Rule G(8)(d), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Review of Taxation of Costs

Use this event to file a motion to review the clerk's decision regarding taxation of costs under [Local Rule 54.3\(c\)\(4\)](#).

Sanctions



Use this event to file a motion for sanctions.

Seal Case

Use this event to file a motion to seal the entire case. This event should be used only when even the existence of the case should not be disclosed to the public.

Do not use this event to seal specific filings in a case; instead, use the [Seal Pleading/Motion/Other Document](#) event in those circumstances.

Seal Pleading/Motion/Other Document

Use this event to file a motion to seal a pleading, motion, or other document.

Separate Trial

Use this event to file a motion to hold separate trials of one or more separate claims, crossclaims, counterclaims, or third-party claims under Fed. R. Civ. P. 42.

Do not use this event to file a motion to bifurcate; instead, use the [Bifurcate](#) event.

Set Aside Default

Use this event to file a motion to set aside the entry of default or the entry of a default judgment under Fed. R. Civ. P. 55(c).

Settlement Conference

Use this event to file a motion for a settlement conference. The event should be used to request that a settlement conference be scheduled at a time when one would not typically be scheduled.

Sever

Use this event to file a motion to sever a third-party claim under Fed. R. Civ. P. 14(a)(4) or sever a claim under Fed. R. Civ. P. 21.

Do not use this event to file a motion for a separate trial under Fed. R. Civ. P. 42(b), or to file a motion to bifurcate; instead, use either the [Separate Trial](#) or [Bifurcate](#) event.

Stay

Use this event to file a motion for a stay.

Strike Pleading

Use this event to file a motion to strike a pleading under Fed. R. Civ. P. 12(f). Motions to strike other documents are not authorized by the Federal Rules of Civil Procedure.



Substitute Attorney

Use this event to file a motion to substitute an attorney. Do not file this motion unless leave of court is required to substitute an attorney under [Local Rule 83.7\(b\)](#). To file this motion, submit a completed [Notice of Withdrawal and Substitution of Counsel](#) form.

Substitute Party

Use this event to file a motion to substitute a party.

Summary Judgment

Use this event to file a motion for summary judgment under Fed. R. Civ. P. 56. For motions for partial summary judgment, use the [Partial Summary Judgment](#) event.

Supplement Record

Use this event to file a motion to supplement the record.

Take Deposition

Use this event to file a motion to take a deposition when leave of court is required under Fed. R. Civ. P. 30(a)(2).

Temporary Restraining Order

Use this event to file a motion for a temporary restraining order under Fed. R. Civ. P. 65(b).

Transfer/Change Venue

Use this event to file a motion to transfer the case to another district, such as in a MDL or under 28 U.S.C. §§ 1404, 1406.

Unseal Case

Use this event to file a motion to unseal the case. This event should be used only when the court has sealed the entire case and the movant seeks to unseal the entire case.

Do not use this event to unseal a particular pleading, motion, or document in the case; instead, use the [Unseal Pleading/Motion/Other Document](#) event.

Unseal Pleading/Motion/Other Document

Use this event to file a motion to unseal a particular pleading, motion, or other document.

Do not use this event to unseal the entire case; instead, use the [Unseal Case](#) event.



Vacate Arbitration Award

Use this event to file a motion to vacate an arbitration award.

Vacate Order

Use this event to file a motion to vacate an order. This event should be used only when requesting the court to vacate the entire order.

Do not use this event to file a motion to amend or correct an order; instead, use the [Alter/Amend/Correct Other Orders](#) event.

Do not use this event to file a motion to alter, amend, or vacate a judgment; instead, use either the [Alter/Amend/Correct Judgment](#) or [Relief from Judgment \(Rule 60\(b\)\)](#) event.

Do not use this event to file a motion for reconsideration under Local Rule 7.1(h); instead, use the [Reconsider](#) event.

Withdraw Admission

Use this event to file a motion to withdraw an admission under Fed. R. Civ. P. 36(b).

Withdraw as Attorney

Use this event to file a motion to withdraw as attorney under [Local Rule 83.7](#). To file this motion, submit a completed [Notice to Withdraw as Counsel of Record without Substitution](#) form.

Withdraw Reference

Use this event to file a motion for withdrawal of the bankruptcy court's reference under Fed. R. Bankr. P. 5011(a). See 28 U.S.C. § 157 for more information.

Withdraw/Disburse/Release Funds

Use this event to file a motion to withdraw funds from the court registry under Fed. R. Civ. P. 67(b). See [Local Rule 67.3](#) for additional guidance.

Writ

Use this event to file a motion for a writ of attachment or writ of sequestration under Fed. R. Civ. P. 70(c).

Do not use this event to file a motion for a writ of execution to enforce a money judgment under Fed. R. Civ. P. 69 or Fed. R. Civ. P. 70(d); instead, complete the [writ of execution form](#) and file it with the Clerk's Office on paper.



Do not use this event to file a motion for a writ of garnishment, habeas corpus ad prosequendum, or habeas corpus ad testificandum; instead use the [Writ of Garnishment](#), [Writ of Habeas Corpus ad prosequendum](#), or [Writ of Habeas Corpus ad testificandum](#) events.

Writ of Garnishment

Use this event to file a motion for a writ of garnishment.

Do not use this event to file a general motion for a writ of execution; instead use the [Writ](#) event.

Writ of Habeas Corpus ad prosequendum

Use this event to file a motion for a writ to bring an incarcerated party to the court for a hearing or trial.

Do not use this event to file a motion to bring an incarcerated witness to court to testify at a hearing or trial; instead, use the [Writ of Habeas Corpus ad testificandum](#) event.

Writ of Habeas Corpus ad testificandum

Use this event to file a motion for a writ to bring an incarcerated witness to the court to testify at a hearing or trial.

Do not use this event to file a motion to bring an incarcerated party to the court for a hearing or trial; instead, use the [Writ of Habeas Corpus ad prosequendum](#) event.

Writ of Mandamus

Use this event to file a motion for a writ of mandamus.